



UNITED STATES PATENT AND TRADEMARK OFFICE

MAY - 9 2005

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Evelyn M. Sommer
250 Park Avenue
Room 825
New York, NY 10022

In re Application of :
Zikria et al. : DECISION ON PETITION TO
Serial No.: 08/837,840 : WITHDRAW THE HOLDING
Filed: April 22, 1997 : OF ABANDONMENT
Attorney Docket No.: ZikriaIV :
:

This is in response to the petition under 37 CFR § 1.181, filed September 13, 2004, for withdrawal of abandonment of the above-identified application based on failure to timely pay the issue fee and publication fee, if applicable. The delay in responding to this petition is regretted.

A review of the file history shows that the examiner mailed a Notice of Allowability, and Notice of Allowance and Fee(s) Due to applicants on June 17, 2002, setting a three-month shortened statutory period for reply. On May 21, 2003, the Notice of Allowance and Fee(s) Due was remailed to applicants, setting a three-month shortened statutory period for reply. On August 9, 2004, a Notice of Abandonment for failure to pay the required fee(s) was mailed.

Applicants state that the Notices were never received and provides as evidence thereof a copy of the attorney docket report where the Notices would have been entered if received, showing non-receipt of the Notices. Based on the evidence presented, it is concluded that applicants never received the Notices. In view thereof, the Notice of Abandonment mailed August 9, 2004, is vacated and the application is restored to pending status with the mailing date of this decision.

Applicants' petition is **GRANTED**.

The application will be forwarded to the examiner for prompt mailing of a new Notice of Allowance and Issue Fee Due and the Notice of Allowability.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Bruce Kisliuk
Director, Technology Center 1600